



Lamoine Board of Selectmen

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Minutes of May 1, 2008

Chair Jo Cooper called the meeting to order at approximately 7:00 PM

Present were: Selectmen Brett Jones, Richard Fennelly Jr., Chris Tadema-Wielandt, S. Josephine Cooper, Cynthia Donaldson, Robert Pulver (Conservation Commission), Allen Sternfield (Transfer Station Manager), Christa Brey (Parks Commissioner), Kathleen DeFusco (Asst. Town Clerk), Sara O'Connell (Parks Commissioner), Kerry Galeaz (Parks Commission Chair), Michael Jordan (Deputy CEO), Stuart Branch, Shannon Sasso (Alt. Parks Commissioner), Tim Ring & Jay Fowler. Adm. Asst. Stu Marckoon arrived at 7:45 PM.

Video recording of the meeting was aired by Lamoine CTV Channel 7, the transmission contained several minutes of missing audio at the beginning.

Agenda Review – Selectmen reviewed the agenda, and decided to accommodate those present at the meeting, and wait for the arrival of Stu for other items.

Minutes – It was moved and 2nd to approve the minutes of April 17, 2008 with some minor corrections from Chris and Richard. **Vote in favor was 5-0.**

Treasurer's Report – The Board opted to act on this once Stu arrived.

School Consolidation – Selectmen briefly discussed recent legislation in regard to school consolidation.

(The audio recording portion began at this point).

Request for Fiscal Sponsorship for the GET WET program – Conservation Commissioner Robert Pulver presented the Board with information on what was involved in applying for a grant for the GET WET program. He said the request was for \$3,000 for test kits. On a motion from Chris and a 2nd from Jo and a **5-0 vote**, the Board agreed to act as the fiscal sponsor for the program and authorized the appropriate town officer to sign the required forms for a grant from the Maine Community Foundation.

Special Town Meetings – There were numerous questions about the warrant language, and the Board opted to wait for action on this until Stu arrived.

School Principal Search - Cynthia reported she had attended a meeting in regard to a search committee to replace retiring Principal Val Perkins. She said she would be away in early June, and the committee preferred to have the same person there for each meeting. She handed out a schedule of meetings to the Board. Jo said she might be interested in doing it. Cynthia said she and Jo could work out a schedule.

Retirement of Allen Sternfield, Transfer Station Manager – Mr. Sternfield met briefly with the Board and confirmed that he plans to retire when his contract expires at the end of June. Jo said all the work he's done should be recognized. Mr. Sternfield said he's available to fill in when needed. Chris asked if he had suggestions for a replacement.

Resignation of Harry Louder, ACO – Jo noted that in this case and for the transfer station manager, the Board would have to advertise for a replacement. Dick noted Mike Arsenault is on board as Deputy ACO.

Anderson Garage – Brett reported there was no obvious spot of water infiltration. He said he noticed there is some flashing on the roof and he would check to see if that might be the source. He said he looked into replacing the garage and service doors, and the material costs are pretty minor. He noted that materials stored in the garage are not susceptible to water damage. He estimated the material cost to be less than \$1,000 and he was willing to take on the project. Dick suggested that if Brett wants to do the work, the Board could vote to have him do it. Brett reviewed what materials were needed. Chris moved to authorize Brett to do what needs to be done, Richard 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 22 – Selectmen signed expenditure warrant 22 for \$52,690.85. There were no questions about the warrant or the cash & budget reports.

Bloomfield Park Road Project – Parks Commission chair Kerry Galeaz said they were ready to start the project. He asked if the Parks Commission was supposed to get bids. He said the funding was approved for the next fiscal year. He asked if it was prudent to have a survey done first, ahead of the road work. He also asked about the language on the easements. He handed out an aerial photo showing the park boundaries and a walking path along the shore being part of the easement with the Branch family.

Chris asked what the surveyor would do. Mr. Galeaz said they would mark the town boundaries of the park. Chris asked if there was a description of the new road. Stu said there was. Chris asked if the surveyor would mark the shorefront

easement. A short discussion followed. Stuart Branch said he had no problem if the town wanted to flag those lines on the shorefront easement. Mr. Galeaz said that would be pretty easy to measure from the pins at the park boundary. Chris suggested that the abutting property owner be present when that was done to clarify that end of the boundary.

Jo said it makes sense to do a survey before the road is started. It was noted that money was appropriated for the survey work in the FY 09 budget. Mr. Galeaz asked about the road bid process. Chris said the more information on the plan; the easier it will be to understand. Stu said the Parks Commission could come up with the basics of the road specs. It was agreed the Commission would do that and present them to the Selectmen to advertise. It was suggested that a pre-bid meeting take place at the site.

Stu said the first thing in his mind would be to execute an agreement with the Branches on the easement. Chris said he would draft that up in the next week or so. There was a discussion as to having two agreements; one with the Branch family for the road, the other for the shorefront path.

Mr. Galeaz reported that the kiosk project finally has some serious momentum and should be done by the end of the summer. He said the commission would need to have the money which was appropriated a few years ago rolled over again. There was no objection from the Board, and Stu said he would include that in his encumbrance order.

Paving – Selectmen looked at an offer from Ring's Paving that had been put in their packets. Tim Ring said he did not want to submit a bid through Pavement Management Services (PMS) because the scope of the bid was from Stonington to Danforth, and that was too much work for him to handle. Mr. Ring said he didn't feel he should be excluded from the bidding process because he did not want to go through PMS.

Chris noted that a check to PMS was approved on the expenditure warrant. He asked Mr. Ring where he was when the contract with PMS was being discussed. Brett said the town is paying PMS to manage the project.

Jay Fowler said he had a problem with PMS several years ago when paving Cos Cob Avenue. He said the town would get a better job from Ring. He said the management of the contract does not ensure the best quality of work. Mr. Ring said if PMS is being paid \$2.05/ton, the project will still be \$8,000 cheaper if he does the work.

Cynthia asked if the horse was already out of the barn. Jo said she didn't want to pay too much for paving, but didn't want to renege on a contract either. Brett looked over the contract. He said it seems like the town is obligated to use PMS and its low bidder.

Mr. Ring said Sullivan and Hancock have decided not to use PMS, and are going with his price. Cynthia asked if the town was legally obligated to use a contract that has already been signed. A lengthy discussion followed regarding the contract, and paving specifications.

Chris said he was sorry that the Board had not heard from Mr. Ring earlier. He said the contract signed with PMS obligates the town to use the party PMS has procured. He asked if Mr. Ring was saying the other towns have breached the contract. A discussion followed about the bid process PMS used.

Jo said she was interested in being able to offer a choice in the future. Stu said he wondered if PMS would be willing to oversee Ring instead of Lane. Mike Jordan said the availability of a lower price and the bid specs from PMS not being able to utilize that might be considered a breach of contract by PMS. Mr. Ring said PMS only got one bid. A lengthy discussion followed in regard to the PMS bid specification and the limitations on bidders.

Jo said the town could contact PMS to say it got a better paving deal and is interested in it. Richard said he would favor contacting PMS. Stu noted that the offer from Ring has a 30-day limit. Mr. Ring said he would honor the price offer through the paving season – the 30-day language was standard boilerplate.

Jo said Stu would contact PMS and get back to the Board. Mr. Ring said the way the PMS bid worked is that all of Hancock and Washington Counties were lumped together and Lane figured the average haul price from its Hancock Plant. He said the further away towns benefit, but closer towns like Lamoine make up the difference.

Brett said this probably falls under the umbrella of the Road Commissioner, and perhaps bidding out and overseeing the paving should be made part of his job description. Mr. Fowler said Ring needs to buy his asphalt from Lane, and it could be that Lane uses a lower quality material when they do their own work than what they sell to independent contractors.

Richard asked Mr. Ring if in the future would he be willing to work with PMS should the town decide to use his services. Mr. Ring said he would. Chris said he favored speaking with PMS to try to get a local contractor to pave the local roads.

Salt/Sand Shed Completion – Stu said there is a little more left to do. Mr. Fowler said he wants to straighten out the loading dock situation with Nankervis trucking to have a plan that won't break up the hot top. He said he would like to move that area to the north at no charge. He said he's left a message with Nankervis and would like to get together to make sure everyone is happy with the proposal.

Stu asked if the engineer should be consulted. Mr. Fowler said he would be willing to call him and let him know what's going on. He said after the loading dock issue is resolved he will grade and seed the rest of the project. He said it should be done in 2-3 weeks, with good weather.

Mike Jordan said there is a lot of water coming off the roof, and said there should be gutters. Mr. Fowler said crushed stone on the ground would be a better alternative.

Letter to Doug Gott & Sons re: Right of Way – Selectmen had a lengthy discussion about the wording of the letter to Mr. Gott requesting that the right-of-way request be executed shortly. There was a long discussion about current access and the reluctance of Gott to give up the deeded right-of-way around the landfill cap. The Board favored re-drafting the letter to invite Gott to meet with them. Stu said he would do that at the end of the meeting.

Needles Eye Road Littering – Stu reported the matter was referred by the landowner to law enforcement and there is an active investigation going on.

Guaranteed Annual Tonnage – PERC – Stu said he did not recommend changing the amount. Brett noted that it was very close last year.

Elected Officials Workshop – Chris said he would like to attend the June 17th workshop in Bangor. Stu said he would sign him up.

Road Project List- Jo moved to authorize Road Commissioner Ford to get the list done. Richard 2nd. **Vote in favor was 5-0.**

Town Meeting Warrants – Selectmen said they had several questions over the wording of the Validation Referendum Warrant. Stu said he had drafted it based on the warrant from Trenton, just changing the names and dates. He said the school department had indicated to him earlier in the day that a package of warrants from the school attorney was supposed to arrive in time for the meeting, but apparently it had not. He said he e-mailed the proposed warrant to the school department and there was no objection to the language. Cynthia asked

about the language on the ballot in light of legislative changes that take effect in July. Stu said he had drafted the warrant based only on the school department's language and could not address that change.

Stu noted that the May 21st warrant had been corrected as suggested by Chris, and that version was ready for signature.

Brett moved to sign both town meeting warrants. Jo 2nd. **Vote in favor was 5-0, Selectmen signed all the warrants.**

There was a brief discussion over the voter registration process at open town meeting. Stu said the check-in clerks would be provided with voter registration cards.

Town Office Renovation – Brett provided some information on VOIP phone systems. Stu suggested the Selectmen look over his latest plans generated on the computer and bring their ideas to the next meeting. There was a short discussion about window materials for the service counter.

Veterans Memorial Committee – Jo reported a dedication ceremony committee had started work. She said the potential dedication date would be June 14, 2008 at 10AM.

Other – Speed Monitoring Trailer – Chris noted the Town of Holden places a radar display and wondered if they might consider renting out the device. Stu said he would call their town manager.

Contaminated Sites – Chris read an article from the April 24, 2008 edition of the Ellsworth American that said there were six contaminated sites in Lamoine. He said he would like to know what those were. Stu said he would contact the Hancock County Planning Commission to find out.

DBA Registrations – Chris asked if the process for registering d/b/as (doing business as) was followed. Stu said it is, though it's a fairly infrequent filing done through the town clerk's office. He noted that he has filed such a certificate with the clerk.

Next Meetings – Jo read the meeting schedule from the agenda as follows:

- a. Regular Meetings –May 15, May 29, June 12, June 26, July 17, August 14
- b. Special Town Meeting (School Budget, mutual aid agreement) – May 21, 2008 to be followed by validation vote May 27, 2008.

Recap - Jo reported the Selectmen had noted Harry Lounder's resignation but had not signed a letter. Stu said he had one and the Board signed it.

Jo said the Board voted to approve the request for the funding agency for the GET WET project. Stu asked who would be signing. The Board agreed it would be proper for Stu to sign as treasurer.

Cynthia noted she would not be present for the June 12th meeting. Stu apologized for being late due to a much longer than expected baseball game he was umpiring.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) for the purpose of conducting the annual performance review with Asst. Clerk Kathleen DeFusco. Richard 2nd. **Vote in favor was 5-0 at 9:45 PM. Out at 10:05 PM.**

Following the executive session the Board signed the revised letter to Doug Gott & Sons, Inc.

There being no further business, the meeting adjourned at 10:10 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.